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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/312,150

05/14/1999

PHILIP J. MIRE

M-7219-US

2203

7590 07/05/2007
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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/312,150	Applicant(s) MIRE, PHILIP J.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 7-12, 14, 18-22 and 30.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that page 2 of the specification discloses that the cryptographic systems commonly use a given set of numbers or digits known as a cipher "key" that may be randomly chosen or have special mathematical properties. The applicant continues to argue that it is common in the art to generate session keys by random number or by other mathematical manipulation. The examiner agrees that page 2 of the specification discloses that the cryptographic systems commonly use a given set of numbers or digits known as a cipher "key" that may be randomly chosen or have special mathematical properties. The examiner asserts that the independent claims recite three different types of keys (master, public and private). The cited portion of the specification does not specify which of the three keys is randomly chosen or have special mathematical properties. The applicant argues that it is common in the art to generate session keys by random number or by other mathematical manipulation. Again the examiner agrees that it is common in the art to generate session keys by a random number. However, the examiner asserts that it is also common in the art to generate session keys by passwords. There are multiple ways to generate a session key. So how is the examiner suppose to know the method of which the applicant is generating a session key. The examiner asserts that nowhere in the specification does it explicitly recite that a random number generates the session keys. Therefore, the examiner maintains the rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The applicant argues that the session key of Albanese is not used in conjunction with a symmetric encryption routine to encrypt data as required by independent claims 1, 12 and 30. The examiner respectfully disagrees. Albanese discloses that messages are encrypted with a session's secret key [column 6, lines 31-33]. Albanese discloses that the key for encryption is the same key for decryption. That is the definition of a symmetric encryption routine. On page 9, the applicant argues that Albanese, Dillaway and Kruys, alone, ore in combination, do not teach a method for encrypting data as claimed. The applicant argues that Dillaway teaches in the cited section [column 3, lines 24-31] a smart card that only holds a private key. The applicant argues that the smart card discussed on page 10, lines 10-19 of the present application "contains the user's private keys and any public keys, as well as any other data that may be required by the systems with which smart card 134 is utilized". The examiner respectfully disagrees. As discussed above, Albanese discloses that messages are encrypted with a session's secret key [column 6, lines 31-33]. Albanese discloses that the key for encryption is the same key for decryption. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., contains the user's private keys and any public keys, as well as any other data that may be required by the systems with which smart card is utilized) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). On pages 9 and 10, the applicant argues that Kruys teaches in the cited section [column 2, lines 56-67] "public and private key pairs which share the same key value". However, the plurality of private keys and the plurality of public keys claimed in claims 11 and 22 and described on pages 6 and 7 and throughout the present application do not have the same key value. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plurality of private keys and the plurality of public keys not having the same value) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


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